

Rebecca Klein
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Commissioner

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Executive Director



Public Utility Commission of Texas

May 31, 2002

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: **Notice of Ex Parte Presentation** – CC Docket No. 01-318, *Performance Measurements and Standards for Unbundled Network Elements and Interconnection*; CC Docket No. 01-321, *Performance Measurements and Standards for Interstate Special Access Services*

Dear Ms. Dortch:

On May 29, 2002, the state commission workshop participants listed in the attachment to this letter met with FCC managers and their staff, listed in the attachment to this letter, for an all day Joint Federal/State Performance Metrics Workshop held at the Earle Cabell Federal Building in Dallas Texas. Both the state commission workshop participants and the FCC workshop participants pointed out that the opinions they stated at the workshop were their own and not necessarily the opinions of their respective commissions or commissioners. The Joint Workshop addressed state commission workshop participants' concerns and positions regarding the possible adoption of federal performance metrics and remedies for unbundled network elements ("UNEs"), and also, to a lesser extent, whether there is a need for national performance metrics.

State commission workshop participants discussed with FCC workshop participants their ideas and concerns about the FCC's UNE performance metrics and updated the FCC workshop participants on the status of special access performance metrics at the state level. The state and federal workshop participants discussed the following issues:

- The state commission participants outlined the status of performance measurement metrics and plans at their state level. The participants also discussed how the state level plans have become regional plans with modifications made by respective states, as appropriate.
- All participants discussed how the FCC could work with the states to achieve goals identified in the NPRM without preempting the states, either expressly or impliedly. All of the participants expressed a desire for states to continue

the current approach with performance measures and plans but expressed a willingness to work with the FCC as necessary for the good of the competitive local telecommunications environment.

- The state commission participants also discussed the process used to formulate the performance metrics, standards and accompanying remedy plans. The metrics and remedy plans were specifically formulated for the state or regional local telecommunication's network and many participants expressed doubt as to the efficacy, value or purpose of national standards.
- The state commission participants outlined the process used to update performance metrics and performance remedy plans.
- The state commission participants also discussed the current status of state authority for performance assurance or remedy plans.
- The state commission participants explored very generally the concept of having a third party administrator for operation support systems in lieu of monitoring potential anticompetitive behavior through performance metrics and remedy plans, especially in light of the issues created with transfer of customers from one competitive carrier to another.
- A brief discussion was held at the end of the day regarding interstate special access performance measures.

Copies of this letter are being served on the FCC personnel who participated in the meeting. Any questions concerning this submission should be directed to the undersigned.

Respectfully submitted,

/original signed/

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